



Entered on Docket  
November 25, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Rob Charles (NV 6593)  
John Hinderaker (AZ 018024)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIRST OMNIBUS  
OBJECTION OF USACM TRUST TO  
PROOFS OF CLAIM BASED UPON  
INVESTMENT IN THE SHAMROCK  
TOWER LP LOAN**

Hearing Date: November 13, 2009  
Hearing Time: 9:30 a.m.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the First Omnibus Objection Of USACM Trust To  
2 Proofs Of Claim Based Upon Investment In The Shamrock Tower LP Loan [DE 7629]  
3 (the “Objection”); the Court having heard the Objection on November 13, 2009;  
4 appropriate notice of the Objection having been given; no response to the Objection  
5 having been filed; and good cause appearing:

6 **IT IS ORDERED:**

- 7 1. The Objection [DE 7629] is sustained; and  
8 2. The claims listed on **Exhibit A** attached are disallowed to the extent they are  
9 based upon an investment in Shamrock Tower LP Loan.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (018024)

13 Rob Charles  
14 John Hinderaker (*pro hac vice*)

15 *Attorneys for USACM Liquidating Trust*  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

###

Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ JH (#018024)  
 Rob Charles  
 John Hinderaker (*pro hac vice*)  
 Attorneys for USACM Liquidating Trust

**SHAMROCK LOAN  
FIRST OMNIBUS OBJECTION**

**EXHIBIT A  
Single Loan Claims**

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Shamrock Tower LP Loan</b>
10725-00028	Timothy F. Burrus and Joann Ortiz-Burrus	Del Hardy, Esq. Hardy Law Group 96-98 Winter St Reno, NV 89503-5605	\$50,000.00	\$50,000.00
10725-00031	Timothy F. Burrus and Joann Ortiz-Burrus	Del Hardy Esq. Hardy Law Group 96-98 Winter St Reno, NV 89503-5605	\$50,000.00	\$50,000.00
10725-00959	Larry D. Higgins	571 Alden Lane Incline Village, NV 89451-8333	\$112,633.31	\$112,633.31
10725-00427	Gary M. Hogan	9900 Wilbur May Pkwy, Apt 1604 Reno, NV 89521-4016	\$50,000.00	\$50,000.00
10725-00454	James Gary Machetta Trust Dtd 7/9/02	c/o James Gary Machetta Trustee P.O. Box 2242 Denver, CO 80201-2242	Unliquidated	\$50,000.00
10725-01615	McConnell Family Trust Dtd 12/3/81	James M. and Maudrene F. Mcconnell Ttees 970 Fairway Blvd Incline Village, NV 89451	\$123,616.62	\$123,616.62
10725-00350	John T. Mrasz Ent. Inc. Defined Benefit Plan Dtd. 5/86	c/o John T. and Janet Mrasz Ttees 10015 Barling St Shadow Hills, CA 91040-1512	\$100,000.00	\$100,000.00
10725-00264	Bernard and Linda Marie Sandler Revocable Intervivos	Trust Dtd 9/13/91 c/o Peter Susi 99 La Vuelta Santa Barbara, CA 93108	\$175,000.00	\$100,000.00
10725-02521	Penny Stanard	16004 Village Green Dr Apt D Mill Creek, WA 98012-5879	\$50,000.00	\$50,000.00
10725-01827	Kenneth H. and Phyllis P. Wyatt Family Trust	Kenneth & Phyllis Wyatt Ttees PO Box 370400 Las Vegas, NV 89137-0400	\$108,166.65	\$108,166.65
10725-00322	Sb Wright Family Trust Dtd 12/28/94	Melvin B. and Susan D Wright Ttees 3983 South McCarran Blvd. Reno, NV 89502-7510	\$716.66	\$716.66